

Question referred

In the event that a Member State may not exercise the power conferred by Article 33(2)(a) of Directive 2013/32/EU⁽¹⁾ to reject as inadmissible an application for international protection with a view to the granting of refugee status in another Member State because living conditions in that Member State would expose the applicant to a serious risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter, must the second sentence of Article 3(1) of Regulation (EU) No 604/2013,⁽²⁾ the second sentence of Article 4(1) and Article 13 of Directive 2011/95/EU⁽³⁾ as well as Article 10(2) and (3) and Article 33(1) and (2)(a) of Directive 2013/32/EU be interpreted as meaning that the fact that refugee status has already been granted prevents the Member State from carrying out an examination of the application for international protection submitted to it that is unbiased as to the outcome, and obliges the Member State to grant the applicant refugee status without examining the substantive conditions for that protection?

⁽¹⁾ Directive of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (OJ 2013 L 180, p. 60).

⁽²⁾ Regulation of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ 2013 L 180, p. 31).

⁽³⁾ Directive of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ 2011 L 337, p. 9).

Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 15 December 2022 — Meta Platforms Ireland Limited v Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband e.V.

(Case C-757/22, Meta Platforms Ireland)

(2023/C 104/19)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Appellant in the appeal on a point of law: Meta Platforms Ireland Limited

Respondent in the appeal on a point of law: Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband e.V.

Question referred

Is an infringement of rights ‘as a result of the processing’ within the meaning of Article 80(2) of Regulation (EU) 2016/679 (General Data Protection Regulation)⁽¹⁾ asserted when a consumer protection association invokes, in support of its action, infringement of a data subject’s rights on the ground of non-compliance with the information obligations laid down in the first sentence of Article 12(1) of Regulation 2016/679, read in conjunction with Article 13(1)(c) and (e) of Regulation 2016/679, relating to the purpose of the data processing and the recipient of the personal data?

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1).
